

### **REMARKS**

Claims 28-41 are pending. Applicant respectfully requests reconsideration of the rejected claims based on the distinctions demonstrated below.

#### **35 U.S.C. § 102 Rejections**

Claims 28-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cox et al., U.S. Patent No. 6,842,861. Applicant respectfully traverses this rejection.

##### **A. Governing Criteria**

The criteria for a rejection under 35 U.S.C. § 102 as being anticipated by a prior printed publication is firmly established. For a claim to be anticipated by a single reference under 35 U.S.C. § 102(b), that reference must on its own satisfy each and every recitation in that claim. *Hakim v. Cannon Avent Group PLC*, 479 F.3d 1313; *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368-69 (Fed. Cir. 2003); *Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Education and Research*, 346 F.3d 1051, 1054 (Fed. Cir. 2003); *Rosco, Inc. v. Mirror Lite Co.*, 120 Fed. Appx. 832, 835-836 (Fed. Cir. 2005); *Animatics Corp. v. Quicksilver Controls, Inc.*, 102 Fed. Appx. 659, 670 (Fed. Cir. 2004).

##### **B. Discussion**

Cox, on its own, does not teach each and every element of the claims. For example, Cox does not teach “comparing versions of applications and content”, “conduits communicating user identification information regarding the electronic device to the content server” and “wherein the newer versions of the applications are personalized for the electronic device based on the user identification information.”

Applicant disagrees with the examiner’s assertion, in substance, that a handheld computer’s name and user identification information are identical. The examiner states

Cox teaches that the handheld computer has is assigned a name to be identified and synchronized with multiple client computers. In addition, computer 22 collects application data and application versions stored on the handheld computer, creates a list of applications and content installed on the handheld computer 20, finds and downloads updates to the applications and content already installed on the computer 20, and then connects to the handheld computer 20 to synchronize the updates downloaded from multiple servers. The list of applications and content and the application versions collected from the computer

20 is unique. Also, the update version of the programs are downloaded explicitly for computer 20. Also, the name of the handheld device and the list of applications and content with version numbers identifies the handheld computer 20 and the capabilities of computer 20. Therefore, the updates that are downloaded by computer 22 are personalized for the computer 20 based on the list of applications and content and version numbers which are interpreted to be the claimed “user identification information.” Office Action, 3/19/10, p. 10-11.

Identifying a computer is not the same as identifying a user. It is well known that computing devices of all types may have multiple user accounts for a particular computer, or no user accounts wherein the computer is used in a generic sense. In the case of multiple user accounts on one computer, the computer is still identified by a device name. Cox does not disclose this scenario. In the case of a device with no user accounts, the computer is the only thing identified.

Cox unequivocally states “[t]he handheld computer 20 preferably has a name assigned to it the first time it is synchronized with the personal computer 22.” Col. 7, lines 15-17 (emphasis added). This name does not identify a user; the name identifies the computer. In other words, Cox’s system is completely unconcerned with the user of the computer, but the name given the computer. Cox only discloses this information simply because Cox is distinguishing between home and work environments. See col. 7, 13-22. Nothing in Cox discusses user identification information or identifying a user of a particular device.

Cox also does not disclose the concept of personalization of applications and content as presently claimed. First, Cox does not, and cannot, disclose the concept of personalization of user’s applications and content because Cox does not disclose user identification information as argued above. Second, Cox does not disclose applications and content. In asserting anticipation, the examiner incorrectly cites Cox. Cox states:

The update conduit 220 first instructs the file transfer manager 110 to collect software information from the handheld computer 20 (step 252). The update conduit 220 creates a list of applications installed on the handheld computer 20 and version information for each application in database 222 (step 254). A menu box is then displayed to the user to determine which applications the user wants to update and whether he wants to update the applications now or at a later time (step 256). Col. 11, lines 56-60.

However, the examiner states:

The update conduit 220 first instructs the file transfer manager 110 to collect software information from the handheld computer 20 (step 252). The update conduit 220 creates a list of applications and content installed on the handheld

computer 20 and version information for each application in database 222 (step 254). A menu box is then displayed to the user to determine which applications and content the user wants to update and whether he wants to update the applications now or at a later time (step 256). Office Action, 3/19/10, p. 10 (emphasis added).

The examiner to arrive at the anticipation rejection has added the underlined portions. However, Cox does not describe downloading content based on user identification information. The examiner's addition can only be impermissibly derived from Applicant's specification.

Cox describes a process by which an update conduit compares versions of software only to determine whether the software needs to be updated. Other than indicating which software to update, the user in Cox is irrelevant to the application downloaded. The user's personal information does not change what is downloaded or updated. In other words, the applications and content are not personalized based on user identification information.

Cox, for example, is unable to perform, and does not disclose, the following from the Applicant's specification:

In another embodiment of the present invention, the content server dynamically creates a personalized and up-to-date version of the web platform application, or any application in general. After step 940 of process 900, when the conduit associated with the web platform application determines that present application is capable of being updated, the conduit coordinates the communication of identifying information about the user of the web platform application to the content server in step 943 of process 1000 in Figure 10. It is appreciated that the content server may be a stand-alone computer that is accessed directly, wirelessly, or through the Internet. In step 945, the content server accesses information about the user from databases available to the content server. This information may include such items as name, address, and other personal information that is gained through previous interactions with the user, through data mining techniques, or other data gathering techniques. In step 947, the content server dynamically creates a personalized and up-to-date web platform application. The process 1000 then proceeds to step 960 in Figure 9.

Referring back to Figure 8, the XYZNEWS application 610 is personalized to the user, in one embodiment of the present invention. For example, line 830 shows a greeting to the user "Hello User." Further, by virtue of data mining techniques and previous interaction with the user, the content server associated with XYZNEWS application 610 knows that the user is specifically interested in various topics including the following: the country Kuza, the sport of bicycling, and medical developments in the area of Intrapartum Asphyxia. Previously, the user may have requested that the XYZNEWS application 610 be limited to these various topics of interest, or may have linked to these topic areas

numerous times. Thus, when a user pulls up the front page 810 of XYZNEWS application 610, the user receives a personalized and up-to-date application. Specification, p. 32-33 (emphasis added).

Because Cox does not disclose the concept of personalization of any application or content as argued above, it cannot anticipate user identification information and personalizing applications and content as presently claimed.

Though the phrase “user identification information” is clearly defined by the specification as demonstrated above, the plain meaning of the phrase suggests that “user identification information” must be a type of information that identifies a user. Cox does not identify users, but computer. Cox provides no explanation as to how determining differences in software versions may identify a user. Cox does not gather user identification information or any personal information. Cox’s disclosed version comparison is completed irrespective of the identity of the user of the device. To interpret assigned a name to a computer as information that identifies a user is unsupported by Cox, Applicant’s specification, industry use, and plain meaning. The only way to make such an interpretation is to somehow impermissibly derive it from Applicant’s own specification.

Because Cox does not disclose user identification information and does not disclose or contemplate the concept of personalized applications and content as presently claimed, Cox cannot on its own teach or suggest each and every element of the present claims. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claims 28-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Creemer et al., U.S. Patent No. 6,963,883. Applicant respectfully traverses this rejection.

Creemer, which is owned by Assignee of Applicant, does not disclose each and every element of the claims. For example, Creemer does not disclose personalization of applications and content based on user identification as claimed. The examiner cites col. 8, line 60 – col. 10, line 41 that are directed towards effective use of conduits in parallel during synchronization of databases. It is unclear how Creemer is relevant to the present claims since the examiner has provided no differentiation in citation for any of the claims or any commentary. Accordingly, Applicant respectfully requests withdrawal of this rejection.

***Conclusion***

All of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the examiner reconsider the outstanding rejections. The examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

Date: June 21, 2010

By: /Shawn Diedtrich /  
Shawn Diedtrich  
Reg. No. 58,176  
Direct Line: 480.704.4615

Correspondence Address

**Cust. No. 49637**

Berry & Associates, P.C.  
9229 Sunset Boulevard, Suite 630  
Los Angeles, CA 90069  
Phone: (310) 247-2860  
Fax: (310) 247-2864